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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,449	07/11/2001	Hawley K. Rising III	020699-002100US	9713

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EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/904,449	Applicant(s) RISING, HAWLEY K.	
	Examiner Jean M. Corrielus	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is response to the amendment filed on August 22, 2005, in which claims 1-22 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed on August 22, 2003 have been fully considered but they are not persuasive. (See Examiner's remark).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **“produce an abstract of the semantic description”** and **“representing an abstract of the semantic description”** must be shown in the drawings or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 12 recite "building a graph that links the entity to a portion of the concept to **produce an abstract of the semantic description**"; claims 4 and 15 recite "an arbitrary structure **representing an abstract of the semantic description**" and claims 7 and 18 recite "logically linking entities within a semantic description to corresponding properties in a concept **to produce an abstract of the semantic description**". It is important to note that the recited claimed features "producing and representing **an abstract of the semantic description**" are not described in the specification to enable one having ordinary skill in the art to make and use the invention. Applicant is advised to

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amend the specification or cancel the limitations from the claims. Applicant is reminded that no new matter should be added.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-11 and 18-22 as best understood by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Seagraves US Patent No. 5,652,880 and Beller US Patent no. 5,852,819.

As to claim 7, Seagraves discloses the claimed “logically linking entities within the semantic description to the corresponding properties in the concept”(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61). However, Seagraves does not disclose the claimed features “the properties characterizing semantics of the audiovisual information”.

On the other hand, Beller discloses a hierarchical architecture for building and maximizing the accuracy of predictive models, which is a mathematical structure that simulates human learning by providing advanced non-relational query processing capabilities. Beller discloses the use of auditory visual signals, which identify an entity represented by a datum, such as using a series of words to describe what another datum means. Beller also provides the use of a suitable representation of other meaningful data relationships (col.1, lines 8-65). In particular, Beller discloses the claimed “the properties characterizing semantics of the audiovisual

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information”(col.22, lines 25-32). It would have been obvious to one having ordinary skill in the art the time the invention was made to combine the teachings of the cited references. One having ordinary skill in the art at would have found it motivated to utilize the teaching of Beller into the system of Seagraves because that provide Seagraves the enhanced capability of describing a non-relational part of a semantic description, whereby the concept of the semantic description is from a group of audiovisual information.

As to claim 8, Seagraves discloses the claimed “controlling instantiation of a term in the semantic description with the concept”(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

As to claim 9, Seagraves discloses the claimed “wherein a reference to the term retrieves the concept” (col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61; col.12, lines 30-65).

As to claim 10, Seagraves discloses the claimed “creating links between the entities in accordance with a list of acceptable relationship”(col.1, line 65-col.2, line 14; col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61; col.12, lines 30-65).

As to claim 11, Seagraves discloses the claimed “wherein the described non-relational elements of the semantic description”(col.4, lines 37-63; col.6, line 5-63; col.8, lines 26-61).

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Claims 18-22 are computer readable medium having executable instructions for performing the method of claims 7-11. They are, therefore, rejected under the same rationale.

8. Claims 1-10 and 12-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Remark

(A). Applicant asserted that neither Seagraves nor Beller disclose **creating an abstract of a semantic description by linking entities within the semantic description with properties in a concept** as claimed. The examiner disagrees with the precedent assertion. However, when read and analyzed in the light of the specification, the invention as claimed does not support applicants' assertion. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark page 7. The aforementioned assertions, wherein the creation of an abstract of a semantic description by linking entities within the semantic description with properties in a concept fails to disclose by Seagraves and Beller with regard to the claimed invention, was unsupported by objective factual evidence and was not found to be substantial evidentiary value. It is important to note, Applicants' assertions are not supported by the specification. There is no mentioned in the specification to show how, the creation of an abstract of a semantic description by linking entities within the semantic description with properties in a concept, is accomplished. For this assertion to have merit, it is important to applicants provide some forms of evidence that convincingly show how the abovementioned

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features are supported by the specification. The 103 rejection is hereby sustained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

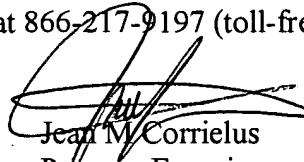
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus
Primary Examiner
Art Unit 2162

October 25, 2005